

From: Familia Sosa
To: Microsoft ATR
Date: 11/6/01 2:20am
Subject: Concerns about the settlement with Microsoft

To the DOJ, Antitrust division in charge of the Microsoft antitrust case.

I would appreciate if this e-mail could be shared with the state attorneys working on the anti-trust case, and with U.S. District Judge Kollar-Kotelly.

I am a bit concerned about the Microsoft settlement. I would hate for this settlement to be just another slap in the wrist which leads to the death of innovator companies such as what happened with Netscape.

What guarantees are there that Microsoft will not use it's windows desktop monopoly to extend into other areas? They have already done it to extend into browsers, knowcking Netscape out of the #1 spot, not by innovation, but by dumping ang tying. They have also resulted in the death or clsoe to death of other innovative operating systems such as BeOS and OS/2 by their strong-arm exclusionary tactics. I am glad that at least this last point seems to be addressed by this settlement, although this is little consolation to BE Software, and IBM, and to the consumers who have lost so much by not having a fair playing field in the business and consumer operating system market.

They seem to be on their way to doing the same thing with web portals by tying MSN content with windows, possibly making yahoo, excite, iwon, goto.com and other portal companies into the next Netscape - extinct.

They are trying to do the same by tying their Expedia/MSN site with their OS, reducing the incentives for users to go to alternate travel web sites.

They are already doing this with the instant messaging client which is tied to their new operating system and may result in serious detractor to the proliferation of more open instant messaging protocols that work with alternative operating systems.

They are already tring some other force of tying for their .NET platform, forcing the authentication to be done in their "Passport' product - a desicion that can only help Microsoft extend their monopoly into the potentially rich web services market.

What incentive will this new settlement give to companies to use

alternatives, when there might not be any incentive to use alternatives to the default windows product, or possibly face the wrath of Microsoft in 5 to 7 years anfter this consent decree runs out? What guarantees does this settlement place that Microsoft will STOP their illegal tying, when they themselves are the arbiters of what is tying and what is "innovation"? What penalties will the company suffer to pay for their behavior which has already been proven as destructive of the innovation that the company says they so much want to protect? It is amazing that he company was found guilty of serious wrong doing and yet they again get a slap in the and, without any punitive damages!

Part of the caracterization for what is illegal tying and what isn't depends on whether consumers may benefit from the tying. I maintain that tying of a product that works ONLY with their operating system is no benefit at all, and works just to extend their stranglehold in the computing world and to extend their monopoly to other areas! This clearly may go against the definition that Microsoft may declare when explaining their reasoning for tying more products with their O/S, and because of the apparent wording of this settlement it is very possible that the spirit of the settlement will be declared null by the words used to create it.

I am also VERY worried that they might be doing the same for the gaming industry with their new "X-Box". I pled that you look VERY carefully at what sort of deals and tactics Microsoft is using to get developers to write code for their X-Box. It has already been suggested that by the reason for their X-Box is to guarantee that developers will continue to write games that will work in X-Box and can be easily ported from X-Box to Widows and viceversa. Sounds like an attempt to extend their monopoly into gaming consoles as well. I would not be surprised if they were making deals with software developers that had conditions on the games being created and/or ported first for windows/xbox to the exclusion of other consoles and or operating systems.

In conclusion, I am concerned. I have already seen in the past how a hasty deal, worded conveniently for Microsoft and allowing Microsoft too much leniency has already been rendered ineffective in stopping them from illegally tactics. This new deal sounds like another hasty deal done with the hope to jump start the economy without taking into consideration the potential for more harm to the software industry, to innovation, and to the economy.

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Eileen and Miguel Sosa

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